

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAN CERVENKA, a/k/a HONZA,

Defendant.

Case No. 3:17-cr-00161

**ORDER RE JUDICIAL REMOVAL
OF DEFENDANT JAN CERVENKA**

ORDER OF REMOVAL

Defendant, JAN CERVENKA. and the United States have jointly requested, agreed, and stipulated, pursuant to Title 8, United States Code, Section 1228(c)(5), that the Court should enter a judicial order that Defendant be removed from the United States to the Czech Republic, or to any other country according to the applicable laws and regulations of the United States, Pursuant to that stipulated request, the Court finds the following:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and a citizen of the Czech Republic.
3. The defendant most recently was admitted to the United States as a non-immigrant O-3 (dependent of an O-1 individual with extraordinary ability) at New York, New York, on or about July 16, 2011.
4. The defendant had his status in the United States adjusted to lawful permanent resident (E-10 child of priority worker), on or about July 23, 2013.

5. Defendant pled guilty pursuant to a Plea Agreement to the sole count of an Information charging defendant with Conspiracy to Possess with Intent to Distribute and Distribution of Controlled Substances, in violation of Title 21, United States Code, Section 846.

6. The maximum term of imprisonment for a violation of Title 21, United States Code, Section 846, as alleged is Life. Given that defendant pleaded guilty pursuant to a Plea Agreement to one count of 21, United States Code, Section 846, the maximum sentence faced by defendant for having violated the sole count of the Information is imprisonment for Life.

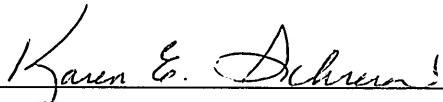
7. Defendant has agreed to the entry of a stipulated judicial order of removal pursuant to Title 8, United States Code, Sections 1228(c)(5) and 1227. Specifically, defendant has admitted he is a native and citizen of the Czech Republic and that he is removable from the United States pursuant to Title 8, United States Code, Sections 1227(a)(2)(A)(i)(II), 1227(a)(2)(A)(iii), and 1227(a)(2)(B)(i), because by the acceptance of his guilty plea herein he stands convicted of a crime that is one of moral turpitude for which a sentence of one year or longer may be imposed, that is an aggravated felony, and that is a controlled substance offense against the United States committed after his admission.

8. Defendant has waived his right to notice and a hearing under the Immigration and Nationality Act ("INA"), as amended, including Title 8, United States Code, Section 1228(c)(2), and related federal regulations.

9. Defendant has waived the opportunity to pursue any and all forms of relief and protection from removal, inadmissibility, deportation, or exclusion under the INA, as amended, and related federal regulations.

Therefore, IT IS ORDERED pursuant to Title 8, United States Code, Sections 1227 and 1228(c)(5) that defendant be removed from the United States to the Czech Republic, or to any other country according to the applicable laws and regulations of the United States, promptly upon his satisfaction of any sentence of imprisonment, or if defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the United States Department of Homeland Security execute this Order of Removal according to the applicable laws and regulations of the United States.

Dated: August 8, 2018



THE HONORABLE KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE